HIGH COURT OF UTTARANCHAL AT NAINITAL
ORIGINAL JURISDICTION
Dated : Nainital the 27th June, 2006
Bail Application No.419 of 2006

Order on the bail application of the accused

CRIMINAL SIDE

1. Nayeem Mistri
   S/o Shri Shakeel
   R/o Shisoli R/o Mohalla Holi Chowk
   Police Station – Bhora Kalan
   District – Muzaffarnagar (U.P.)
2. Bhullan S/o Som Dutt
   R/o Saidabad Bahediki
   Police Station – Jhabrera
   District – Haridwar ….. Applicants

Versus

State of Uttaranchal ….. Opposite Party

In Case Crime No. 41 of 2006
U/s 377, 506 I.P.C.
Police Station – Jhabrera
District - Haridwar

Hon'ble J.C.S. Rawat, J.

Heard Sri Vivek Shukla-learned counsel for the applicants, Sri H.C. Pathak, learned counsel for the complainant, learned AGA for the State and perused the record.

According to the F.I.R., a complete act of 377 I.P.C. was completed. The report was lodged on 31.03.2006 and the incident took place on 28.03.2006. It was further contended that the report has been lodged by inordinate delay. The medical was conducted on 31.03.2006 in which no abnormality was seen and the medical report does not suppot the act of 377 I.P.C. The statement of the victim was recorded on the same day on 31.03.2006 where he had changed the version of the entire prosecution and stated that it was an attempt and the offence was not completed.

Considering the facts and circumstances of the case in totality, it is a fit case for bail at this stage.

Let the accused-applicants, be released on bail on each executing a personal bond and furnishing two sureties each in the like amount to the satisfaction of the CJM concerned.

(J. C. S. Rawat, J.)

Dated 27.06.2006
Shiv